

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL W. TWEEDY,
Petitioner,
v.
STATE OF CALIFORNIA,
Respondent.

Case No. 2:23-cv-01239-JDP (HC)

ORDER

DIRECTING THE CLERK OF COURT TO
RANDOMLY ASSIGN A DISTRICT JUDGE
TO THIS MATTER

FINDINGS AND RECOMMENDATIONS

THAT THE PETITION BE DISMISSED
WITHOUT PREJUDICE FOR FAILURE TO
PROSECUTE AND FAILURE TO COMPLY
WITH COURT ORDERS

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On September 28, 2023, I screened petitioner's petition for writ of habeas corpus and notified him that it failed to state a viable claim. ECF No. 8. I granted him thirty days to file an amended petition. *Id.* When petitioner did not timely file an amended petition, on December 1, 2023, I ordered him to show cause within twenty-one days why this action should not be dismissed for his failure to prosecute. ECF No. 9. I notified him that if he wished to continue with this action he must, within twenty-one days, file an amended petition. *Id.* I also warned him that failure to comply with that order would result in a recommendation that this action be dismissed. *Id.*

1 The deadline has passed, and petitioner has neither filed an amended petition nor
2 otherwise responded to the December 1, 2023 order.

3 Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a
4 United States District Judge to this case.

5 Further, it is hereby RECOMMENDED that:

6 1. This action be dismissed without prejudice for failure to prosecute and failure to
7 comply with court orders, for the reasons set forth in the court's December 1, 2023 order.

8 2. The Clerk of Court be directed to close the case.

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
11 service of these findings and recommendations, any party may file written objections with the
12 court and serve a copy on all parties. Such document should be captioned "Objections to
13 Magistrate Judge's Findings and Recommendations." Any response shall be served and filed
14 within fourteen days of service of the objections. The parties are advised that failure to file
15 objections within the specified time may waive the right to appeal the District Court's order.
16 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
17 1991).

18 IT IS SO ORDERED.
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20 Dated: January 16, 2024
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22 JEREMY D. PETERSON
23 UNITED STATES MAGISTRATE JUDGE
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